

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

STATUS OF THE CLAIMS

Claims 90 and 99 have been amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 90, 92-96, 99, 101-105, and 108-111 are now under examination in this application.

1. Rejection under 35 U.S.C. § 112, first paragraph

The Office maintained the rejections to claims 90, 92-96, 99, 101-105, and 108-111 for allegedly failing to comply with the enablement and written description requirement.

The Office rejected the claims under § 112 for two limitations, “treating a neurological disorder” and “solvate” (see first and last lines of independent claims 90 and 99).

A. The limitation “treating a neurological disorder”

The Office recognized that the specification satisfies § 112 fully for “stimulating neuronal regeneration and growth” (Office Action dated Oct. 24, 2006, p. 2, ¶ 2). The Office’s concern is focused on the “nexus” between the capability of neuronal regeneration or growth and treatment of neurological disorder. (Final Office Action, p. 2, ¶ 2).

As suggested by the Office in the Office Action dated Oct. 24, 2006, p. 2, ¶ 2, Applicants have amended claims 90 and 99 to add “**stimulating neuronal regeneration and growth in a mammal having,**” and to delete “treating a neurological disorder selected from the group consisting of.”

Applicants did so to place the present application in condition for allowance without any prejudice and disclaimer, and reserve the right to file a continuing application to pursue any subject matter omitted by the amendments.

B. The limitation “solvates”

The Office maintained that the claims lack enablement for “solvate.” According to the Office, the state of art does not enable one skilled in the art to make and use solvates without undue experimentation, and the Office cites in support Braga *et al*, Chem. Commun., 2005, 3635-3645. (Final Office Action, p.2-3, ¶ 3.) Applicants respectfully traverse this ground for rejection.

Making and using solvates has been known in the art, and one skilled in the art is able to make and use solvates without undue experimentation. Applicants submit herewith for the Office’s consideration, an academic research paper by Tonder *et al*, USP 4,913,892, and USP 5,993,767 to show support this position of Applicants. (Exhibit 1. Tonder et al, Exhibit 2. USP 4,913,892, and Exhibit 3. USP 5,993,767). Exhibit 1 shows that solvates can be prepared by a method which is practiced by one skilled in the art without undue experimentation. Exhibits 2 and 3 provide detailed procedure for making solvates, which can be adopted by one skilled in the art in the preparation of other solvates without undue experimentation.

Additionally, Applicants respectfully disagree with the Office’s interpretation of the quoted remarks from Braga *et al*. When considered in context, Braga *et al*. discloses that due to solvate formation, a crystal engineer would face difficulty in obtaining the pure crystal form of a chemical compound, not that solvate formation would be extremely difficult to make or use for the purposes of a pharmaceutical compound or formulation for the claimed method of treatment. Therefore Braga *et al*. does not support the Office’s position.

Accordingly Applicants respectfully request the reconsideration and withdrawal of the rejections under §112, first paragraph.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

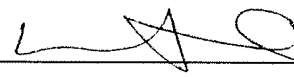
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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